

**Town of Concord**

**APP #48**

**Charitable and Political Sign Placement**

**General Purpose**

Concord Town Meeting in 1971 and later years adopted and refined the Town's current sign bylaw pursuant to the Massachusetts General Laws and Constitution. The purpose and intent of this bylaw "shall be to regulate, restrict and place such limitations on the size, location, type and illumination of all signs as will assure that they will: be appropriate to the land, building or use to which they are appurtenant; be protective of property values and the safety of the public; and not unnecessarily detract from the historic qualities and characteristics of the Town of Concord." The Building Department is charged with enforcing the provisions of the bylaw.

Section 12 of the Concord sign bylaw includes special provisions for the placement of certain types of signs within the Town. Subsection d) of Section 12 specifically exempts from the provisions of the bylaw two types of signs which are of frequent interest in the community: temporary political and charitable (particularly fundraising) signs. While they are exempted from the provisions of the bylaw, it is in the community's best interest to place some measure of control on the placement of these signs in certain locations.

**Policy Intent**

This policy is intended to be consistent with the intent of the sign bylaw to protect the historic character of the Town and maintain a level of sensitivity to the many significant monuments and memorial artifacts located around Town. This policy is not intended to restrict in any manner the placement of bylaw-exempt signs on private property, or within the public right-of-way immediately in front of the property of the sign owner as long as the sign will not cause damage, encroach upon a sidewalk or roadway, or otherwise create a hazard for passersby. This policy is also not intended to restrict the carrying of signs in any public place where the signs are not otherwise restricted. This sign policy is intended to be "content neutral" with respect to the placement of political and charitable signs on public property. As examples of "free speech", political signs enjoy the constitutional protections accorded under the First Amendment to the United States Constitution and under Article 16 of the Massachusetts Declaration of Rights. Towns cannot impose restrictions on protected speech that are greater than those placed on other types of speech.

By restricting the placement and proliferation of unattended political and charitable signs to a limited number of public locations for a specified time period, this policy shall

remain content neutral, while at the same time protecting the public interest in maintaining the Town's historic character.

### **Permanent Signs Prohibited**

This section confirms the long-standing policy of the Board of Selectmen to prohibit the installation of permanent political or charitable signs within the public right-of-way. The Selectmen acknowledge the good work of the Town's many charitable organizations and confirms the no-permanent-signs policy as a means of treating such organizations equitably, while upholding the goal of avoiding the proliferation of signs on public property.

### **Policy Guidelines**

The placement of temporary political and charitable signs on public property in front of one's own home does not require Town Manager approval, with the following conditions: a) there is no protrusion into the public walkway or roadway; b) placement will not damage any plantings that are in the area; and c) placement does not pose a hazard to passersby. Under those circumstances, the maximum allowable time for sign posting (60 days, as identified in the bylaw) shall apply. All other requests to place political or charitable signs on municipal property shall be referred to the Town Manager's Office.

Upon receipt of a request to place political or charitable signs on municipal property that is not adjacent to the sign owner's property, it shall be the policy of the Town Manager's Office to allow placement on an equitable basis with respect to approved locations, duration of placement and maximum dimension of signs. Where space is limited, approval may be on a first-come, first-served basis. Approval shall be for one sign per location (back-to-back signs and two-sided "sandwich board signs are acceptable).

- A. Sign Locations** This policy shall not attempt to identify the relatively few specific locations which shall be approved for sign posting in the central areas of Town. There are a variety of reasons that these locations may need to be revised over time. Approved locations shall typically be away from historic places, monuments, memorial structures and municipal buildings where the placement of such signs may provide an incorrect perception that the Town has taken an official position with respect to a cause, an issue, an organization or an individual person.
- B. Sign Dimensions** Sign dimension requirements shall not be considered absolute, but generally signs shall be in the form of a free-standing "sandwich board", or attached to a stake driven into the ground (where the surface allows and there is no risk to shallow subsurface structures such as irrigation systems).
- C. Time Allowed for Posting** Sign owners shall be encouraged to make the most efficient use of time by limiting posting to one week before their event, and by removing all signs promptly at the end of the approved time frame. Posting time of up to two weeks is also

acceptable, but posting of more than two weeks shall generally not be approved for events that do not serve a specific Town department's functional purpose.

- D. Contact Information** All posted signs shall include the contact information of the sign owner attached in a visible manner to the sign. Signs that do not include such contact information may be removed at the Town's discretion.
- E. Sign Removal** In addition to signs that do not include the contact information of the owner, signs that are placed in disapproved locations as well as signs that are placed in approved locations without prior approval of the Town Manager's Office may be removed from the site and stored at a Town facility awaiting the owner's retrieval.

Violation of this policy by a sign owner shall be considered grounds for suspension or revocation of the privileges outlined above. The Assistant Town Manager is designated by the Town Manager as the Town staff person responsible for the day-to-day administration of this policy. Please do not hesitate to contact the Assistant Town Manager with any related questions.

Distribution: Department Heads

Committee and Board Chairs